



1 Estrella Costales, Pro se,
2 12796 Isocoma St,
3 San Diego, California 92129
4 (858) 484-0114

4 UNITED STATES DISTRIC COURT
5 SOUTHERN DISTRIC OF CALIFORNIA

NUNC PRO TUNC
JUN 18 2008

7 ESTRELLA COSTALES,

8 Plaintiff,

9) CASE NO.

10) **'08 CV 1079 J JMA**

11 Vs.

12 AMERICA'S SERVICING CO.,
13 LOAN CENTER OF CALIFORNIA, INC.,
14 AND SPECIALIZED LOAN SERVICES

Defendants.

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MOTION FOR EX PARTE
TEMPORARY RESTRAINING
ORDER

MOTION FOR EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff ESTRELLA COSTALES, moves this Honorable Court for the entry of an Ex Parte Temporary Restraining Order enjoining and restraining the named Defendants from selling the property at a foreclosure sale for the subject property or otherwise pursuing a judicial or non-judicial adverse action against plaintiff regarding the subject property.

2.

Plaintiff will suffer irreparable injury if the sale of subject property is not enjoined until plaintiff has a fair and adequate opportunity to have their claims heard. Plaintiff may well have the right to rescind the subject mortgage loan

1 transaction. 15 USC 1635 (f) provides for a three (3) year
2 limitation. Further, it is likely that plaintiff will prevail on
3 her claims.

4 3.

5 In an abundance of caution and based upon legal and
6 equitable considerations, this Court should enter a Preliminary
7 Temporary Restraining Order to enjoin the foreclosure sale, and
8 to allow Plaintiff and Defendant to set forth their respective
9 claims.

10 4.

11 This motion is filed on an emergency basis in that if the
12 sale of subject property goes forward, that Plaintiff will lose
13 the property, possession of the property and all of his equity
14 in the property even if her claims are meritorious. Plaintiffs
15 request that the Court grant a Preliminary Temporary Restraining
16 Order without bond, as plaintiff is unable to provide a bond of
17 any kind or type.

18 5.

19 When the potential harm to the plaintiff is balanced
20 against the rights of the defendants, greater injury will be
21 inflicted upon plaintiff in the loss of her home than upon
22 defendants.

23 6.

24 The public interest will be served by allowing plaintiff to
25 remain in the home, preventing her from becoming homeless.

26 7.

27

28

1 Plaintiff has attempted to give notice of these proceedings
2 and this request for a temporary restraining Order as evidenced
3 by the certificate of service which accompanies this request.

4 WHEREFORE, Plaintiff respectfully prays that this Honorable
5 Court grant to her the following relief:

6 8.

7 Accept jurisdiction over the parties and the subject matter
8 of this cause, and

9 9.

10 Enter a Preliminary Temporary Restraining Order enjoining
11 and restraining the Sale of the subject property, and

12 10.

13 Grant the Preliminary Restraining Order without bond.

14 11.

15 Grant such other and further relief as the Court deems
16 equitable, appropriate and just.

17
18 **VERIFICATION**

19 Plaintiff/Affiant declares that she has read the foregoing
20 Verified Complaint and under penalty of perjury that the
21 foregoing facts and allegations as contained therein are true
22 and correct.

23
24
25 Estrella Costales, Pro Se Plaintiff/Affiant
26 12796 Isocoma Street
27 San Diego, CA 92129

28 Phone (858) 484-0114

1 **CERTIFICATE OF SERVICE**
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I HEREBY CERTIFY that a true and correct copy of the foregoing Verified Complaint and Motion for Ex Parte Temporary Restraining Order has been furnished to Defendants AMERICA'S SERVICING COMP. CORP., P.O. Box 60768, Los Angeles, CA 90060 and LOAN CENTER OF CALIFORNIA, One Harbor Center, Suite 188., Suisun City, CA 94585, and SPECIALIZED LOAN SERVICES, 8742 Lucent Blvd., Suite 300, Highland Ranch, CO 80129, this 18 day of June, 2008.

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